

1 STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
2 NARRAGANSETT BAY COMMISSION

3 In Re: Monthly Board Meeting of the Commission

4 DATE: April 14, 2010
5 TIME: 11:00 a.m.
6 PLACE: Narragansett Bay Commission
Corporate Office Building
One Service Road
Providence, RI 02905

7 PRESENT:

- 8 Vincent Mesolella, Chairman
Angelo S. Rotella, Vice Chairman
9 Raymond Marshall, Secretary–Executive Director
Robert Andrade, Treasurer
10 Richard Burroughs
Mario Carlino
11 Joseph DeAngelis, Esquire
Michael DiChiro
12 Jonathan K. Farnum
Leslie Gray, III
13 John MacQueen
Joan P. Milas
14 Al Montanari
Michael Salvatore
15 Leo Thompson
Richard Worrell

16 ALSO PRESENT:

- 17 Nathan Arruda, NBC
18 Dave Aucoin, NBC
Rich Bernier, NBC
19 John Bissonette, NBC
Kerry Britt, NBC
20 Francie Brown, NBC
Christine Comeau, NBC
21 Travis Costa, NBC
Nathan Daggett NBC
22 Tony Dalmazzi, NBC
Nathan Dean, NBC
23 Steve DePasquale, NBC
Darren Dolbashian, NBC
24 Eric Ferold, NBC
Harold Gadon, CAC

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1 ALSO PRESENT, cont.

- 2 Kyle Gannon, NBC
Linda George, Senate Fiscal Office
- 3 Karen Giebink, NBC
Carmine Goneconte, NBC
- 4 Meg Goulet, NBC
Jennifer Harrington, NBC
- 5 Laurie Horridge, NBC
Jim Kelly, NBC
- 6 Kimberly Kirwan, NBC
Stephen Lallo, NBC
- 7 Joanne Maceroni, NBC
Mike McBurney, NBC
- 8 Jim McCaughey, NBC
John Motta, NBC
- 9 Karen Musumeci, NBC
Sara Nadeau, NBC
- 10 Paul Nordstrom, NBC
Walter Palm, NBC
- 11 Joe Pratt, Louis Berger Group
Dennis Reall, NBC
- 12 Deborah Samson, NBC
Jamie Samons, NBC
- 13 Harold Schacter, CAC
Lisa Sisson, NBC
- 14 Rebecca Songolo, NBC
Brian Steere, NBC
- 15 Abigail Sweeney, NBC
Joseph Thibodeau, CAC
- 16 Mark Thomas, NBC
Jeff Tortorella, NBC
- 17 Thomas Uva, NBC
Catherine Walker, NBC
- 18 Barry Wenskowicz, NBC
Kevin Wilcox, NBC
- 19 John Zuba, NBC

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1 (MONTHLY BOARD MEETING COMMENCED AT 11:05 A.M.)

2 CHAIRMAN MESOLELLA: Good morning, everyone.

3 Recognizing a quorum, we will call the meeting of the

4 Wednesday April 14, 2010 Board of Narragansett Bay

5 Commissioners to order. The first order of business is

6 the approval of the previous minutes of January 20,

7 2010. Have all of our members had an opportunity to

8 review the previous minutes, and if so, are there any

9 comments or corrections?

10 THE COMMISSION: (No response)

11 CHAIRMAN MESOLELLA: Comments or corrections

12 on the previous minutes?

13 THE COMMISSION: (No response)

14 CHAIRMAN MESOLELLA: Hearing none.

15 COMMISSIONER SALVADORE: Move for approval,

16 Mr. Chairman.

17 COMMISSIONER MONTANARI: Second.

18 CHAIRMAN MESOLELLA: Commissioner Salvatore

19 moves to approve the previous minutes, seconded by

20 Commissioner Montanari. Discussion?

21 THE COMMISSION: (No response)

22 CHAIRMAN MESOLELLA: Hearing none, all of
23 those that are in favor will say aye.

24 THE COMMISSION: Aye.

25 CHAIRMAN MESOLELLA: Are there any opposed?

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1 THE COMMISSION: (No response)

2 CHAIRMAN MESOLELLA: There are none opposed,
3 and the motion carries.

4 (MOTION PASSED UNANIMOUSLY)

5 CHAIRMAN MESOLELLA: Before I move on to Old
6 Business, I would like to take this opportunity to
7 introduce our newest Commissioner, Mario Carlino, from
8 the City of Cranston. Welcome, Mario.

9 COMMISSIONER CARLINO: Thank you.

10 CHAIRMAN MESOLELLA: It is Cranston, isn't
11 it?

12 COMMISSIONER CARLINO: Yes.

13 CHAIRMAN MESOLELLA: Former astute political
14 figure as well, right? You're in politics.

15 COMMISSIONER CARLINO: Many years ago.

16 CHAIRMAN MESOLELLA: Many years ago. Well,
17 welcome. I think you'll find the Board very
18 interesting, and we fully expect you'll participate and

19 contribute.

20 Next order of business, Item Number 3, is Old

21 Business. Is there any old business to come before the

22 Commission? Old business?

23 THE COMMISSION: (No response)

24 CHAIRMAN MESOLELLA: Hearing none, moving

25 right along, Item Number 4, which is the Election of

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1 Officers. For the purposes of the Election of Officers,

2 we'll turn the meeting and the gavel over to our

3 Executive Director Secretary, Ray Marshall.

4 RAYMOND MARSHALL: Nominations are now open

5 for the Election of Officers for the Narragansett Bay

6 Commission for the next year. Do I have any

7 nominations?

8 COMMISSIONER SALVADORE: Mr. Secretary, as

9 usual, I went around to the Board, and I couldn't find

10 anybody to take these jobs. You hear all kinds of

11 things, who wants that job? It's not worth it. It's a

12 lot of responsibility.

13 So, with that in mind, it is truly an honor for me to

14 put in a nomination for Chairman of NBC, Vincent

15 Mesolella, for Treasurer, Robert Andrade, and of course

16 our esteemed Vice Chairman, Angelo Rotella, as Vice

17 Chairman.

18 RAYMOND MARSHALL: Is there a second?

19 COMMISSIONER THOMPSON: Second.

20 COMMISSIONER MILAS: Second.

21 RAYMOND MARSHALL: There are numerous
22 seconds. Are there any other nominations?

23 THE COMMISSION: (No response)

24 RAYMOND MARSHALL: Any discussion or
25 questions?

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1 THE COMMISSION: (No response)

2 RAYMOND MARSHALL: Hearing none, the
3 Secretary will cast one vote for the slate as proposed.

4 Motion carries.

5 (MOTION PASSED UNANIMOUSLY)

6 COMMISSIONER SALVADORE: Congratulations.

7 CHAIRMAN MESOLELLA: Before we begin the
8 meeting, I would just like to say, thank you to all of
9 the Commissioners, again, for your vote of confidence.

10 As I have in the past suggest to you that you'll get
11 110 percent effort from the Chairman.

12 This year will be an exciting year for all of us. We
13 have a number of construction projects going on, and
14 we're about to embark on Phase II of our CSO Program.

15 It's truly an honor and a pleasure to chair this fine
16 organization, to work with the esteemed members of this
17 Commission and our staff, and you have 100 percent
18 commitment from me to continue in that tradition. Thank
19 you.

20 Next order of business, Item Number 5 is the
21 Executive Director's Report. Mr. Secretary, do you have
22 a report for us today?

23 RAYMOND MARSHALL: Yes, I do, Mr. Chairman.

24 CHAIRMAN MESOLELLA: Proceed.

25 RAYMOND MARSHALL: Well, it's been a

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1 challenging month or two with all the rain events that
2 we've had. As you know, we've had some extreme weather.
3 I've tried to keep you updated on what was going on here
4 through e-mail. Hopefully, you received those, and they
5 were informative.

6 The Operations staff has worked very hard over the
7 last several weeks. Up to February 22nd, we had
8 captured 1.5 billion gallons in the tunnel, and since
9 that time, in just less than two months, we've added an
10 additional 400 million gallons, so we're at 1.92 billion
11 gallons of flow captured in the tunnel since it went
12 online November 1st of 2008.

13 If you're wondering how much water that is, the
14 average 16 by 32 in-ground swimming pool holds about
15 16,000 gallons of water, so the 1.92 billion gallons
16 would fill up 120,000 swimming pools. Not that I'd
17 recommend putting that water in your swimming pool, but
18 just as a measure that you might be able to get your
19 arms around a little bit.

20 COMMISSIONER GRAY, III: Ray, I was looking
21 for your report online, and I wasn't finding it.

22 RAYMOND MARSHALL: I'm kind of freelancing
23 this one.

24 COMMISSIONER GRAY, III: Okay, fine, thank
25 you.

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1 RAYMOND MARSHALL: This particular one, as I
2 went through it, we have some awards we're going to give
3 out, so I wanted to move through it quickly.

4 During those rainy periods from March 29th onward,
5 Field's Point, which averages 45 million gallons per
6 day, for five straight days averaged over 128 million
7 gallons. We had over 100 million gallons for about 10
8 consecutive days at Field's Point, and then at Bucklin
9 Point where we average around 23, we averaged about 85
10 million gallons per day for several days after the

11 storms, including the day of the storm.
12 All the pump stations out in the collection systems
13 stayed operational. The IM crews Interceptor
14 Maintenance worked around the clock monitoring some of
15 our stations to make sure nothing went wrong, and they
16 were right on top of it when we had a glitch here or
17 there.

18 All major treatment systems operated as intended.
19 Our staff was able to meet the test of the extreme
20 weather, and our equipment, which we've been trying to
21 keep updated and in tiptop shape, all performed well.

22 I have to take a moment here to commend Paul
23 Nordstrom who leads the Operations Division, Meg Goulet
24 who runs Interceptor Maintenance, Carmine Goneconte who
25 runs Field's Point, and Brent Herring who runs Bucklin

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1 Point on the fantastic job they did under conditions,
2 hopefully, none of us ever experience again. I mean,
3 they were truly remarkable in what they were able to
4 accomplish and to keep things under control so that we
5 didn't end up in a situation similar to some of the
6 other treatment facilities in the state had to
7 experience. So, thank you for your efforts.

8 (APPLAUSE)

9 RAYMOND MARSHALL: Of course I'm sure
10 they'll tell you that they could not have done it
11 without their staff, so to their staff, too, thank you.
12 In Engineering, we've been working with the Town of
13 Cumberland to resolve the odor problems that they had at
14 the Highland Park Pump Station. They have a hydrogen
15 sulfide problem downstream of that industrial park.
16 We've been making very good progress working with
17 Cintas, who is a commercial laundry up there and
18 contributes most of the waste flow. We have
19 significantly reduced the problem, and we're hoping to
20 eliminate it in near future; so more work needs to be
21 done. I've mentioned that item before, and I wanted to
22 just give you an update.
23 Phase II design work is approaching 100 percent
24 complete for the CSO project. Next phase we have five
25 projects. You may recall two interceptor jobs, two

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1 sewer separation jobs and one wetlands creation, and the
2 next step will be to get DEM review and approval to get
3 the various permitting that we need to have done on
4 those projects in place, with construction possibly
5 starting on at least one job late this year.
6 In the Construction Division, the project at Field's

7 Point for nutrient removal is ramping up. You may have
8 seen a lot of activity over there as you drove into the
9 parking lot.

10 The animal control facility that we're building for
11 the City of Providence so we can acquire their parcel
12 right outside the window here is at the point where
13 completion is in sight. We should have a ribbon cutting
14 probably sometime late May, early June.

15 The odor control facility at the end of the tunnel is
16 finally under way. The equipment is due in any day, if
17 it hadn't already arrived. We plan to have that online
18 by Memorial Day.

19 A couple of other construction projects, the
20 Interceptor and Improvement Contract for 2009 is all
21 done, except for the punch list, and the one for 2010
22 will come before you today for approval.

23 Central Ave. Pump Station in Johnston is online, and
24 we're working on putting the finishing touches on that
25 project.

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1 Administration and Finance has worked with Rhode
2 Island Clean Water Finance to finalize some of the
3 borrowing. The 2 million extra dollars that we received
4 from the ARRA loan was, all the paperwork was signed on

5 that, and that's going to cost us, over the course of
6 the life of the loan, approximately one half of one
7 percent on that 2 million dollars. That's in addition
8 to the 55 million that we also received for that
9 project.

10 The variable rate debt bonds that we have, those are
11 backed by a line of credit, and at the time we took that
12 out a few years ago, there was only one bank that was
13 interested, now there are several, and First Southwest,
14 our financial advisor, is working with those banks to
15 get us the best possible agreement.

16 We have started making our first payments to retirees
17 on the nonunion-defined benefit plan. We have three or
18 four people that just received their first checks. We
19 are closely monitoring the Fiscal '10 Budget which comes
20 to a close in June. So far so good. We are waiting to
21 see what the bills will look like when they come in for
22 electricity and chemicals and overtime as a result of
23 the storm, but we should still be okay; but we are going
24 to be cautiously optimistic.

25 We're working diligently on the FY '11 Budget. That

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1 will come before the Finance Committee on May 13th, and
2 then it will come before the full Board on June 23rd.

3 All the Commissioners will be noticed about the Finance
4 Committee Meeting on May 13th, but if you just want to
5 pencil it in now, that will be a noontime meeting, but
6 you will receive other notices on that.

7 Also developing the Capital Improvement Plan for the
8 next five years, which we update every year. That will
9 come before the Board at the May 19th meeting. IT has
10 completed their wireless system project upgrade, so all
11 of us can always be connected to our jobs.

12 Customer Service in February and March, those being
13 the fourth and fifth months of the monthly billing, has
14 seen a significant drop in the number of phone calls
15 that they've been receiving, and they've been collecting
16 money at a very good pace, 6 million dollars in
17 February, 7.2 million in March.

18 Policy, Planning & Regulation has been leading up our
19 alternative energy projects, as you probably recall, and
20 on Friday we received notice that we receive a 750,000
21 dollar grant that they had applied for on our behalf
22 with the State Office of Energy Resources. That's money
23 that came out of the ARRA Program, and it was given to
24 the State to disburse as they saw fit; and they deemed
25 our project as being one of the ones worthy of receiving

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1 a portion of that money as for the wind project at
2 Field's Point. There are also a couple of other grant
3 requests we have pending on those projects, and we'll
4 see what happens in the next couple of months.

5 EMDA has been very busy sampling the rivers and the
6 bays as a result of the storm. They've been doing extra
7 sampling, and they've been keeping track of the bacteria
8 levels in the receiving waters; and we've been reporting
9 those to DEM and the Department of Health so they can
10 make decisions on shellfish openings.

11 And one thing that they have noticed is that the
12 nutrient levels were way up as a result of the storms,
13 and that was coming in from the areas upstream of all of
14 our discharges, so basically, the rivers that feed into
15 Narragansett Bay. What that all means? We'll have to
16 have it all analyzed, once all the data is available, so
17 that we can try to make some sense of it.

18 We are planning a river cleanup event. It's
19 scheduled for next Thursday, April 22nd. It's really
20 our typical event in terms of what we intend to do. I
21 have to tell you that there are a few questions that
22 we're trying to get resolved or addressed that have
23 resulted from the storms that just came through, and as
24 you know, a lot of material poured into the rivers that
25 don't normally end up there; and so there are some

1 contaminants that we're evaluating, and we've been
2 talking to the Department of Health and DEM on what type
3 of precautions or concerns we should have, and of
4 course, we're monitoring the water level and the
5 velocity because, generally, you don't see the rivers
6 running anywhere near as high as they are right now; and
7 we don't want to send somebody into a body of water to
8 grab a tire and have them sucked away downstream. So,
9 Tom and John Zuba have been working on viewing all the
10 locations every other day or so, just trying to get a
11 handle on where it will be safe to venture into and
12 where it will not be safe.

13 Finally, in the Executive Division, Legal has been
14 fully geared up preparing for the next lien sale, which
15 is April 29th. Originally, there were 384 accounts
16 selected owing 623,000 dollars plus. There are 191
17 accounts remaining. We have collected 323,000 dollars,
18 so there's about 300,000 dollars left to collect.

19 We have done our notification to the Department of
20 Elderly Affairs and Rhode Island Housing, which is part
21 of the statute; we need to do that, and Rhode Island
22 Housing is now viewing the list, and there's probably a
23 number of the properties that they'll take and make the
24 payments on, so they don't lose control of them because
25 they have mortgages on those properties.

1 We are continuing to work with EPA, DEM and the
2 Office of Inspector General to make sure that our
3 compliance with planning and reporting associated with
4 the ARRA money is in conformance with their
5 requirements.

6 Financial disclosure forms for the Ethics Commission
7 are all due Friday, April 30th. You should have all
8 received your form. You need to get them in by April
9 30th. If you need an extension, I believe you can just
10 call down there and ask for an extension, but it's
11 another thing to put on your list of things to do.

12 We completed the purchase of the Governor Dyer Market
13 parcel which is at the corner of Hemlock and Promenade
14 Streets down by the Paul Cuffee School. We're going to
15 be using that for a construction staging area for the
16 CSO Phase II work. We acquired that for 3.3 million
17 dollars.

18 We are working with the Port of Providence Watson
19 Terminal Services, in particular, to support their
20 effort that is before the Rhode Island DOT, the Traffic
21 Safety Commission, to keep the traffic signals at the
22 corner of Allens Avenue and Terminal Road in place and
23 to make it a permanent installation.

24 The DOT wanted to take it out at this point, and any
25 of us who travel this area on a daily basis, I think the

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1 overwhelming majority at the very least to say that
2 that's a huge help in terms of keeping the area safe,
3 and with all the trucks turning in and out of there, I
4 know that the port has found it to be very useful, and
5 the truckers all like it in terms of allowing them easy
6 or safe egress out of the Port.

7 We have spent many hours working on amendments and
8 alternative language to the pending legislation. Joanne
9 will probably have a report for you later on in the
10 meeting. We handed out a document just a short while
11 ago which lists all the bills we've been monitoring.
12 There are many, many of them. It's taken quite a bit of
13 time, but we think we're coming to a positive resolution
14 on most of them.

15 And speaking of the General Assembly, I've been
16 invited to appear before the House Oversight today to
17 give a presentation to them on what the Narragansett Bay
18 Commission does, why we do it, where we get our revenue
19 from. Really, who we are. It's kind of a Bay
20 Commission 101 type of thing. They're doing that with
21 all of the so-called quasi public agencies, so I have a

22 PowerPoint presentation prepared, and then I'll field
23 questions from them afterwards.
24 And finally, as you can probably imagine, Public
25 Affairs fielded many media inquiries and calls from the

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1 public during the storm events and shortly thereafter
2 asking how we were doing, what type of flows we were
3 seeing. We provided the media with all of that
4 information, some of which made it into print or onto
5 the TV, most of which of it did not, but that, of
6 course, is their call. We field their questions, and
7 there were many of them during that several-day period.
8 So, that is finally the end of my report, Mr. Chairman.

9 CHAIRMAN MESOLELLA: Commissioner Rotella.

10 VICE CHAIRMAN ROTELLA: Just a quick
11 question, Ray. First of all, I, of course, join in with
12 the congratulations to you and all of the staff on a
13 great job during the 500-year storm that we had. Thank
14 God I won't be here for the next 500-year one.

15 But again, understanding what a great job we did and
16 how we really have continued our display of excellence
17 in terms of the way we operate our facilities, have we
18 gotten or have we fielded any requests from any of the
19 other treatment plants in Rhode Island for our

20 assistance? And I would volunteer, even, again, not
21 jeopardizing what we do, but is there any way we can
22 help or has anybody asked for help?

23 RAYMOND MARSHALL: I don't think they've
24 asked us for any real specific help. We did have some
25 contact with them; I know Paul did, but they didn't

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1 really ask for anything specific from us. We are part
2 of RI Warn, and we've received no formal requests. So,
3 that was, we thought, a little unusual, but we do know
4 the people down there, so we were expecting the phone to
5 ring. I guess they had enough help from the emergency
6 management people that mobilized on the scene.

7 CHAIRMAN MESOLELLA: Commissioner Worrell.

8 COMMISSIONER WORRELL: Along the same lines
9 as asking for help, the plant up in Worcester, the
10 wastewater treatment plant in Worcester, apparently, is
11 a bit of a disaster, and that all feeds into the
12 Blackstone River, which eventually gets down into the
13 Seekonk and Narragansett Bay. Question, do we have any
14 sense of how much of the upper bay pollutants coming
15 down from that Worcester plant? That's probably not,
16 but I was curious if we're tracking that.

17 RAYMOND MARSHALL: Would you like to comment

18 on that, Tom?

19 MR. UVA: Absolutely. We monitor the river
20 bi-monthly for nitrogen compounds that are coming down
21 all of rivers exiting the upper bay. The Worcester
22 plant did go online last December with wastewater
23 treatment for nitrogen removal, and they're achieving
24 very good results. They're discharging below 5 part per
25 million, so they are doing very well right now. The new

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1 permit, the existing permit I believe for the system was
2 designed to meet 8, and they are meeting 5.
3 We find that when it rains, the loading to the upper
4 bay increases dramatically from runoff. Nitrogen loads
5 will increase depending on the river from 96 percent to
6 over 400 percent increase in the normal daily discharge.
7 So, runoff plays a big problem, stormwater plays a big
8 problem in the health of Narragansett Bay.

9 COMMISSIONER WORRELL: Do you know how much
10 of that is coming from Worcester?

11 MR. UVA: Yes. They discharge typically
12 around 5,000 pounds a day, very similar in size to
13 Field's Point, so it's about the same loading. Some
14 years dissolved oxygen levels in the bay are pretty
15 good, and it's not a problem. It's when we have a rainy

16 spring that really contributes to the poor water quality
17 up in Narragansett Bay.

18 CHAIRMAN MESOLELLA: Thank you.
19 Commissioner Milas.

20 COMMISSIONER MILAS: I just wanted to say as
21 one of the newest commissioners how much I appreciated
22 both the timely and comprehensive e-mails that we got
23 during the storms.

24 I, in fact, did field some questions from people that
25 now know that I'm a Commissioner, and I was able to

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1 respond in a relatively educated manner and in a timely
2 fashion; so I really appreciate what you and everyone
3 did on our behalf.

4 RAYMOND MARSHALL: If anybody asks you those
5 types of questions and we haven't given you the
6 information that you need, feel free to just direct them
7 to us; and we'll field their questions on your behalf,
8 and that goes, of course, for any of the other
9 Commissioners, too.

10 CHAIRMAN MESOLELLA: Commissioner Salvatore.

11 COMMISSIONER SALVADORE: Now that the
12 Central Avenue Pump Station in Johnston has come online,
13 when can we expect that that road will be repaved?

14 RAYMOND MARSHALL: Mark Thomas, are you in
15 the room? Is Rich here again?

16 CHAIRMAN MESOLELLA: I see Rich in the back.

17 RICH: We made a deal with National Grid
18 because they also put a utility down the road. We're
19 going to pave half pretty soon, and I think in June or
20 July National Grid will pave the other half. We're
21 going to pave up to our pump station, and National
22 Grid's going to go further, I believe, up to Global.

23 COMMISSIONER SALVADORE: The other question
24 I have is, the Narragansett Bay Commission won the Burke
25 Safety Award.

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1 RAYMOND MARSHALL: Yes.

2 COMMISSIONER SALVADORE: And out of 613
3 wastewater facilities in New England, we came in first,
4 and that's about all I know, and I'd like to know if
5 there's anything else that should be known about that.

6 RAYMOND MARSHALL: Only that, just by virtue
7 of the award, if nothing else, we have a great program
8 in place, and they have worked very hard to make it as
9 good as it is. We haven't had the opportunity to
10 actually acknowledge them yet, but we are.
11 The next item on the agenda is one of the first of a

12 series of Employee Excellence Awards that we'll have
13 over the next couple of months. It is something they're
14 very proud of, and I'm very proud of; and we'd like to
15 win it every year, but there are also many other good
16 programs out there.

17 So, I would say that they finally were able to
18 distinguish themselves over and above many other very,
19 very good programs in the area. So, thanks for all the
20 great work you guys do. John's back there and David and
21 Tom Uva heads that up.

22 CHAIRMAN MESOLELLA: Are there any other
23 comments or questions regarding the Executive Director's
24 Report, comments or questions regarding the Executive
25 Director's Report?

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1 THE COMMISSION: (No response)

2 CHAIRMAN MESOLELLA: Thank you. Moving
3 right along, Item Number 6 is Acknowledgment of Awards,
4 Item A, Employee Excellence Awards for 2009. Mr.
5 Secretary.

6 RAYMOND MARSHALL: This year we're going to
7 take, we're going to alter our approach a little bit.
8 We're going to do a different division in each of the
9 next three months rather than try to do them all on the

10 same day.

11 So, today we're going to honor the people from
12 Planning, Policy & Regulation Division. Tom Uva's going
13 to come up and present the awards for his division. We
14 also have some Resolutions of Appreciation that we'll do
15 separately after Tom gets done with his awards.

16 MR. UVA: Members of the Board, guests,
17 staff members, good morning. Thank you for joining us
18 this morning. I'm very fortunate to serve as the
19 Director of Planning, Policy & Regulation for the best
20 agency in the State of Rhode Island, the Narragansett
21 Bay Commission. As the PP&R Director, I oversee five
22 teams of hardworking professionals that contribute daily
23 to making this agency a great success.
24 One of my hardest annual tasks is to determine what
25 two individuals should receive these Planning, Policy &

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1 Regulation Excellence Awards out of 57 really terrific
2 staff members on our team.
3 This year more than ever the decision was extremely
4 difficult. As you've heard, we're constantly winning
5 awards, and we have exceptional programs and exceptional
6 staff members to recognize; so I took a little bit of a
7 different approach.

8 The first Planning, Policy & Regulation Excellence
9 Award, Employee Excellence Award, is to recognize the
10 fine job done by our Pretreatment Team in 2009.
11 Congratulations.
12 The Pretreatment Team is responsible for protecting
13 our two wastewater treatment plants in Narragansett Bay
14 from toxic chemicals. They accomplish this by
15 inspecting and permitting the thousands of companies
16 that discharge processed wastewater into our sewer
17 system by educating our users and by responding to
18 chemical spills that could impact our facilities, and
19 that's no easy thing to do. The companies that we
20 regulate are our customers, and it's a fine balancing
21 act; and when my phone doesn't ring with complaints, I
22 know we're doing a good job. Thank you for that.
23 In 2009, the Pretreatment Staff conducted 2,249
24 facility inspections, a 28 percent increase from 2008.
25 They're on call 24/7, and in 2009, they responded to 52

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1 emergency and special investigations during all hours, a
2 24 percent increase from 2008.
3 They issued 425 permits in 2009, a 10 percent
4 increase from the prior year, and through their
5 regulatory and educational programs, toxic metal

6 reductions that discharge through our Bucklin Point
7 facility were reduced by 40 percent in 2009.
8 In addition to us knowing what a great job they do
9 every day for us here at the NBC, they were recognized
10 by the US EPA Region 1 with the Pretreatment Excellence
11 Award for 2009.
12 It's my pleasure to present the first PP&R Employee
13 Excellence Award to the Pretreatment Team.
14 Congratulations for a great year. Can all the
15 Pretreatment staff come on up for a photo opportunity
16 with the Chairman? You get a very fancy plaque here, a
17 little different than the former ones.

18 (AWARD PRESENTATION)

19 MR. UVA: And I did the same thing with
20 another department. The second 2009 Planning, Policy &
21 Regulation Employee Excellence Award is to recognize the
22 fine job done by our Environmental Safety and Technical
23 Assistance Team, Jim McCaughey, Manager.
24 Congratulations, guys.
25 The Environmental, Safety and Technical Assistance

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1 Team, or ESTA, as we fondly call them around here,
2 provide free technical assistance to our customers to
3 help them stay in compliance and stay competitive.

4 They're responsible for our Health and Safety Program.
5 They routinely seek grant opportunities for the NBC;
6 they write and present technical papers, and they
7 investigate new technologies that may be of interest to
8 the NBC.

9 In 2009, they completed grant-funded feasibility
10 studies for our wind turbine and biogas alternative
11 energy projects. We turned those projects over to our
12 engineering team to move forward with possible
13 construction and installation.

14 ESTA performed 24 site visits in 2009 to help our
15 individual, our industrial and commercial customers be
16 more competitive in staying in compliance, a 5 percent
17 increase from the prior year. They presented technical
18 papers and information about the NBC in our programs at
19 numerous local and national workshops and conferences.

20 John Bissonette's Safety Program is recognized by our
21 sister agencies as exemplary, and in 2009 as
22 Commissioner Salvadore indicated, we were able to get
23 the George Burke Safety Award for that.

24 In 2009, we provided 50 percent more AED and CPR
25 training classes and trained 42 staff members here at

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1 the NBC on how to perform CPR, and as I get older, I

2 really appreciate that. It may come in handy some day.

3 And just this week, as Ray indicated earlier, we were

4 just notified by the state that we're going to be

5 receiving 750,000 dollars towards building a wind

6 turbine here at Field's Point.

7 So, it's my great pleasure to present the second

8 Planning, Policy & Regulation Employee Assistance Award,

9 Employee Excellence Award to the Safety and Technical

10 Assistance Team. Congratulations.

11 (AWARD PRESENTATION)

12 RAYMOND MARSHALL: We now have two

13 Resolutions of Appreciation. The Vice Chairman's going

14 to read those, and we'll have the individuals come up,

15 so we can have their picture taken.

16 VICE CHAIRMAN ROTELLA: The first one says,

17 Resolution of Appreciation,

18 Whereas, Joe Thibodeau joined the Narragansett Bay

19 Commission Citizens Advisory Committee in 1985, and

20 Whereas he steadfastly represented the Citizens of

21 the Washington Park neighborhood, and

22 Whereas Joe freely gave of his time and his counsel

23 to the Narragansett Bay Commission in many capital and

24 policy-related matters, and

25 Whereas, in the words of fellow Committee member,

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1 Howard Schacter, Joe "weathered the storms of
2 insensitive crowds, was always there when we needed him,
3 and always exhibited an unflappable demeanor and a quiet
4 passion," and

5 Whereas, Joe served as an ambassador for the
6 Narragansett Bay Commission, is admired by his fellow
7 Committee members, and has always enhanced the
8 Commission's reputation in the community, and

9 Now therefore be it resolved that the Narragansett
10 Bay Commission shall extend its sincere congratulations
11 to Joe for his support and its sincere appreciation for
12 his service on behalf of the State of Rhode Island and
13 the ratepayers of the Narragansett Bay Commission.

14 RAYMOND MARSHALL: Can we have Joe Thibodeau
15 come up, please?

16 (AWARD PRESENTATION)

17 MR. SCHACTER: I had the responsibility of
18 taking unfair advantage of this young man in the old
19 days because his residence in Washington Park was so
20 needed by all of us to endure the pressure that we were
21 in when we had the incinerator operating, and without
22 Joe's help, we could not have survived those days.

23 So, he was an incredible unsung hero keeping us and
24 Washington Park focused on acceptance of the performance
25 of our incinerator during that period. I want to thank

1 you, Joe, for all the time you've taken. I had the
2 memorable responsibility of working with you and making
3 sure that you participated continuously. That's 26
4 years, 26 years ago we shared this experience. It was
5 wonderful.

6 VICE CHAIRMAN ROTELLA: The second
7 Resolution of Appreciation today reads,
8 Whereas, Dennis Reall joined the Narragansett Bay
9 Commission on September 3, 1995, and
10 Whereas, he was promoted several times in his tenure
11 at the Commission to reach the position of Monitoring
12 Supervisor, and

13 Whereas, Dennis was instrumental in ensuring all
14 Federal, State and Narragansett Bay Commission
15 regulations and protocols involving sample collection
16 and sample preservation were adhered to by all
17 monitoring staff through his vigilant oversight, and

18 Whereas, Dennis was honored with an Employee
19 Excellence Award in 1996, and

20 Whereas, he is a current member of the City of North
21 Providence Zoning Board, was formerly a volunteer
22 firefighter, and has volunteered his time with the
23 Ileitis and Colitis Foundation.

24 Now therefore be it resolved that the Narragansett

25 Bay Commission shall extend its sincere congratulations

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1 to Dennis on his retirement and its sincere appreciation
2 for his service on behalf of the State of Rhode Island
3 and the ratepayers of the Narragansett Bay Commission.

4 (AWARD PRESENTATION)

5 CHAIRMAN MESOLELLA: Thank you, all.

6 Congratulations, everybody. You guys do a phenomenal
7 job and the reason why I'm so proud to be affiliated
8 with this agency. On behalf of the entire Board, we
9 thank all of you for the great job that you've done, not
10 only this year, but all the years in the past and the
11 good work we look forward to doing in the future. So, I
12 thank all you guys. You guys all are great.

13 Moving right along, Item Number 7, which is Committee
14 Reports and Action Items Resulting. Commissioner
15 Salvadore, do you have a report on behalf of the
16 Construction Engineering and Operations Committee?

17 COMMISSIONER SALVADORE: Yes, I do, Mr.
18 Chairman.

19 CHAIRMAN MESOLELLA: Proceed.

20 COMMISSIONER SALVADORE: We met earlier this
21 morning. We have four items for the Board of
22 Commissioners today, the first being, Review and

- 23 Approval of Resolution 2010:04; Award of Contract
24 304.53C, Improvements to NBC Interceptors-Fiscal Year
25 2010 with an amount not to exceed 414,933 dollars, and

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1 CEO recommends passage, Mr. Chairman.

2 CHAIRMAN MESOLELLA: We have a motion to
3 approve Resolution 2010:04. Obviously, the Construction
4 and Operations Committee met earlier. Any of the
5 members have an opportunity to read the Resolution,
6 you'll find it's a straightforward bid contract. Are
7 there any questions for any of the members of the
8 Committee or the Commission?

9 THE COMMISSION: (No response)

10 CHAIRMAN MESOLELLA: If not, Chairman
11 Salvadore moves that we approve Resolution 2010:04.

12 COMMISSIONER WORRELL: Second.

13 CHAIRMAN MESOLELLA: Second Commissioner
14 Worrell. Any questions or comments regarding this
15 Resolution?

16 THE COMMISSION: (No response)

17 CHAIRMAN MESOLELLA: Hearing none, all of
18 those that are in favor will say aye.

19 THE COMMISSION: Aye.

20 CHAIRMAN MESOLELLA: Are there any opposed?

21 THE COMMISSION: (No response)

22 CHAIRMAN MESOLELLA: There are none opposed,
23 and the motion carries.

24 (MOTION PASSED UNANIMOUSLY)

25 CHAIRMAN MESOLELLA: Further report,

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1 Commissioner Salvadore.

2 COMMISSIONER SALVADORE: Yes, Mr. Chairman.

3 We have Item B, Review and Approval of Resolution
4 2010:05, Award of Contract 304.19-Interceptor Cleaning
5 and Inspection Services at Pleasant Valley Parkway and
6 Allens Avenue Interceptors (Smith Street and West
7 Exchange Street to Dorrance Street in Providence) with
8 an amount not to exceed 157,085 dollars, and CEO
9 recommends passage, Mr. Chairman.

10 CHAIRMAN MESOLELLA: We have a motion to
11 approve Resolution 2010:05. Second?

12 COMMISSIONER FARNUM: Second.

13 COMMISSIONER MacQUEEN: Second.

14 COMMISSIONER WORRELL: Second.

15 CHAIRMAN MESOLELLA: Commissioner Farnum,
16 Commissioner MacQueen, I believe Commissioner Worrell as
17 well. This is very similar to the Resolution that we
18 just passed. The Committee's heard testimony. It was a

19 bid item, and if there are any questions, the Executive
20 Director is here or the Chairman is here to answer them.
21 Other than that, we have a motion, we have a second.
22 Discussion?

23 THE COMMISSION: (No response)

24 CHAIRMAN MESOLELLA: All of those that are
25 in favor will say.

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1 THE COMMISSION: Aye.

2 CHAIRMAN MESOLELLA: Are there any opposed?

3 THE COMMISSION: (No response)

4 CHAIRMAN MESOLELLA: There are none opposed,
5 and the motion carries.

6 (MOTION PASSED UNANIMOUSLY)

7 CHAIRMAN MESOLELLA: Further report,
8 Commissioner Salvadore.

9 COMMISSIONER SALVADORE: Item C, Review and
10 Approval of Resolution 2010:06, Award of Contract
11 304.33-Interceptor Cleaning and Inspection Services,
12 Woonasquatucket River Interceptor, and that runs from
13 down Woonasquatucket Avenue to Manton Avenue with an
14 amount not to exceed 20,000 dollars, CEO recommends
15 passage, Mr. Chairman.

16 CHAIRMAN MESOLELLA: We have a motion to

17 approve Resolution 2010:06. Is there a second?
18 COMMISSIONER FARNUM: Second.
19 CHAIRMAN MESOLELLA: Commissioner Farnum.
20 Is there discussion on Resolution 2010:06? Discussion.
21 THE COMMISSION: (No response)
22 CHAIRMAN MESOLELLA: Hearing none, all of
23 those that are in favor will say aye.
24 THE COMMISSION: Aye.
25 CHAIRMAN MESOLELLA: Are there any opposed?

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1 THE COMMISSION: (No response)
2 CHAIRMAN MESOLELLA: There are none opposed,
3 and that motion carries as well.
4 (MOTION PASSED UNANIMOUSLY)
5 CHAIRMAN MESOLELLA: Commissioner Salvadore,
6 proceed.
7 COMMISSIONER SALVADORE: Item D, our last
8 item, Review and Approval of Resolution 2010:07,
9 Authorization to Acquire Land and Structures from the
10 City of Providence for Contract 109; Biological Nutrient
11 Removal Project, and CEO recommends passage, Mr.
12 Chairman.
13 CHAIRMAN MESOLELLA: We have a motion to
14 approve Resolution 2010:07. Seconded by...

15 COMMISSIONER MacQUEEN: Second.
16 VICE CHAIRMAN ROTELLA: Second.
17 CHAIRMAN MESOLELLA: Commissioner MacQueen
18 and Commissioner Rotella. All of our Commissioners are
19 familiar with this. There was some discussion, and
20 legal counsel, Laurie Horridge-Bissonette, gave an
21 explanation.
22 For the benefit of the Commissioners that have been
23 on the Commission for a couple of years now, you know
24 that this was part of an acquisition parcel with the
25 City of Providence going back, maybe starting 14 years

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1 ago, something like that, and culminated in the
2 acquisition of the street and the dog pound, and this is
3 the second half of that. This matter will now be before
4 the State Properties Committee. When?

5 MS. HORRIDGE: After I get all the
6 appraisals in.

7 CHAIRMAN MESOLELLA: When all the appraisals
8 are in, then we can finally complete this acquisition.
9 So, having said that, we have a motion, we have a
10 second. Discussion on Resolution 2010:07.

11 THE COMMISSION: (No response)

12 CHAIRMAN MESOLELLA: Further discussion.

13 THE COMMISSION: (No response)

14 CHAIRMAN MESOLELLA: Hearing none, all of
15 those that are in favor will say aye.

16 THE COMMISSION: Aye.

17 CHAIRMAN MESOLELLA: Are there any opposed?

18 THE COMMISSION: (No response)

19 CHAIRMAN MESOLELLA: There are none opposed,
20 and the motion carries.

21 (MOTION PASSED UNANIMOUSLY)

22 CHAIRMAN MESOLELLA: Further report,
23 Commissioner Salvadore?

24 COMMISSIONER SALVADORE: That concludes the
25 CEO Report for April 14th, Mr. Chairman.

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1 CHAIRMAN MESOLELLA: Thank you very much.

2 COMMISSIONER SALVADORE: Thank you.

3 CHAIRMAN MESOLELLA: Thank you. Next
4 committee reporting, Finance Committee. Commissioner
5 Andrade, do you have a report?

6 COMMISSIONER ANDRADE: Yes, I do, Mr.
7 Chairman.

8 CHAIRMAN MESOLELLA: Proceed.

9 COMMISSIONER ANDRADE: Thank you. There are
10 three items, three resolutions that were approved by the

11 Committee earlier this morning. Both are relating to
12 recommendations for the use of Environmental Enforcement
13 Funds. The first is 2010:08. I would move approval of
14 that resolution.

15 CHAIRMAN MESOLELLA: We have a motion to
16 approve Resolution 2010:08, which is a use of the
17 Environmental Enforcement Funds. Is there an
18 explanation for that?

19 RAYMOND MARSHALL: I can give something very
20 quick. Save the Bay has requested 1,000 dollars to
21 create more storm drain markers. We've worked with them
22 in the past on this project. We designed the markers
23 together. They place them on the storm drain to let
24 people know that whatever they dump in that drain's
25 going to end in the bay, and it's a project that we

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1 support as part of our River Restoration Program; and it
2 is out of the Environmental Enforcement Funds. This
3 conforms with the uses that are allowed under
4 Environmental Enforcement Funds.

5 CHAIRMAN MESOLELLA: This issue was first
6 raised, you may recall, last year or the year before by
7 Commissioner Alan Nathan in cooperation with the Save
8 the Bay, and we're happy to cooperate with that pending

9 approval of the Board. So, we have a motion. Did we
10 get a second? Commissioner Farnum.

11 COMMISSIONER FARNUM: Second.

12 CHAIRMAN MESOLELLA: Second Commissioner
13 Farnum.

14 COMMISSIONER CARLINO: Second.

15 COMMISSIONER WORRELL: Second.

16 CHAIRMAN MESOLELLA: Commissioner Carlino
17 and Commissioner Worrell. Further discussion with
18 regard to use of Environmental Enforcement Funds.

19 THE COMMISSION: (No response)

20 CHAIRMAN MESOLELLA: Hearing none, all of
21 those that are in favor of Resolution 2010:08 will say
22 aye.

23 THE COMMISSION: Aye.

24 COMMISSIONER MESOLELLA: Are there any
25 opposed?

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1 THE COMMISSION: (No response)

2 CHAIRMAN MESOLELLA: There are none opposed,
3 and that motion carries.

4 (MOTION PASSED UNANIMOUSLY)

5 CHAIRMAN MESOLELLA: Further report,
6 Commissioner Andrade?

7 COMMISSIONER ANDRADE: Mr. Chairman, the
8 next Resolution was 2010:09, and if we can get a little
9 explanation on that as to the use of funds for the
10 Blackstone Valley Tourism Council.

11 RAYMOND MARSHALL: Yes. They have requested
12 2,400 dollars, the Blackstone Valley Tourism Council, to
13 fund 400 scholarships for students from
14 economically-disadvantaged communities within the
15 Blackstone Valley. It gives the students the
16 opportunity to participate in the River Classroom Study
17 program that the BVTC runs. They get to go on the River
18 Explorer boat that the organization has. They observe
19 the wildlife, perform hands-on water quality testing,
20 and in general, learn about the importance of keeping
21 the river healthy.

22 We have worked with this organization in the past.
23 They acknowledge our presence with a banner on their
24 boat, which allows us to help the students understand
25 how it's all connected, the work that we do, the work

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1 that the Tourism Council does and why it's important to
2 all of our lives; and it is in conformance with the
3 requirements of funding for Environmental Enforcement
4 Fund monies.

5 VICE CHAIRMAN ROTELLA: I recommend
6 approval, Mr. Chairman.

7 CHAIRMAN MESOLELLA: We have a motion to
8 approve Resolution 2010:09, seconded by...

9 COMMISSIONER THOMPSON: Second.

10 COMMISSIONER FARNUM: Second.

11 COMMISSIONER MacQUEEN: Second.

12 CHAIRMAN MESOLELLA: Seconded by
13 Commissioner Thompson, Commissioner Farnum and
14 Commissioner MacQueen. Further discussion.
15 Commissioner Milas.

16 COMMISSIONER MILAS: As I did on the
17 Committee, I need to recuse myself from this vote.

18 CHAIRMAN MESOLELLA: So noted. The record
19 will reflect that Commissioner Milas is recusing herself
20 from this vote.

21 (COMMISSIONER MILAS RECUSING FROM VOTE)

22 CHAIRMAN MESOLELLA: Further discussion.

23 THE COMMISSION: (No response)

24 CHAIRMAN MESOLELLA: Hearing none, all of
25 those that are in favor will say aye.

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1 THE COMMISSION: Aye.

2 CHAIRMAN MESOLELLA: Are there any opposed?

3 THE COMMISSION: (No response)

4 CHAIRMAN MESOLELLA: There are none opposed,
5 and this motion carries.

6 (MOTION PASSED UNANIMOUSLY/RECUSAL COMMISSIONER MILAS)

7 COMMISSIONER ANDRADE: Thank you.

8 CHAIRMAN MESOLELLA: Further report,
9 Commissioner Andrade.

10 COMMISSIONER ANDRADE: One additional item,
11 Mr. Chairman, that is Resolution 2010:10, another
12 recommendation for the use of Environmental Enforcement
13 Funds.

14 RAYMOND MARSHALL: This would also conform
15 with the guidelines, and what it involves is, it is
16 associated with the River Restoration Project that we do
17 every year. All the trash and tires, et cetera, that we
18 collect as a result of that effort along with those many
19 volunteers that we get, it's taken up to the Central
20 Landfill for disposal.

21 Up until last year, Resource Recovery funded both the
22 dumpsters as well as the disposal fees. Last year, they
23 were not able to do the dumpsters. This year they're
24 not able to do either, the dumpsters nor the disposal
25 fees, so in order to get rid of all the trash and debris

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1 we will collect, we need to pay to have it disposed of
2 up at the landfill. Tom Uva who heads up that effort on
3 staff has calculated that it will cost approximately
4 10,000 dollars for all of that to happen, and we're
5 asking that the money come from the Environmental
6 Enforcement Fund.

7 Interestingly enough, we have money that is
8 specifically identified within the Fund for river
9 restoration activities, and that was the result of
10 agreements that we have with Wal-Mart and Patriot
11 Disposal. So, it is all in line with the guidelines
12 that are in place, and that's the explanation of this
13 item.

14 COMMISSIONER ANDRADE: I move approval of
15 the Resolution, Mr. Chairman.

16 CHAIRMAN MESOLELLA: We have a motion to
17 approve Resolution 2010:10. Is there a second?

18 COMMISSIONER SALVADORE: Second.

19 COMMISSIONER MILAS: Second.

20 COMMISSIONER MacQUEEN: Second.

21 COMMISSIONER CARLINO: Second.

22 CHAIRMAN MESOLELLA: Commissioner Salvadore,
23 Commissioner Milas, Commissioner MacQueen. Commissioner
24 Carlino, did you second that motion?

25 COMMISSIONER CARLINO: I did.

1 CHAIRMAN MESOLELLA: Commissioner Worrell.

2 Discussion. Commissioner Worrell.

3 COMMISSIONER WORRELL: Can you give us the
4 balance in the Enforcement Fund right now?

5 COMMISSIONER ANDRADE: It was noted at the
6 Committee meeting.

7 MR. UVA: \$136,000 is in the fund, and
8 \$70,000 of it is committed to various projects.

9 CHAIRMAN MESOLELLA: Could you repeat that,
10 Tom?

11 MR. UVA: \$136,000 is in the Fund, and
12 approximately \$70,000 is committed. \$50,000 is
13 earmarked for the River Restoration, and \$15,000 for
14 emergency response purposes, \$66,000 is uncommitted.

15 CHAIRMAN MESOLELLA: Tom, would you generate
16 a report for the members of the Commission so we can
17 send it out?

18 MR. UVA: Yes. Accounting has something
19 like that. We can get that out.

20 CHAIRMAN MESOLELLA: Thank you very much.
21 Commissioner Worrell, another question?

22 COMMISSIONER WORRELL: A follow up question
23 on that. What's the annual revenue to the Enforcement
24 Fund, roughly?

25 MR. UVA: No idea. It would vary based upon

1 companies who are in violation, and they get fined; so
2 it's very difficult to predict what income it would be.
3 We hope it would be zero, then everybody would be in
4 compliance, and businesses would profit, but that isn't
5 always the way it works.

6 COMMISSIONER WORRELL: To get a financial
7 statement for the Fund would be helpful.

8 CHAIRMAN MESOLELLA: Well, we're going to
9 prepare a report, but just while we're on the subject,
10 since you raised the question, I mean, it's important to
11 note that these are not ratepayer funds. We're not
12 using ratepayer funds to support these programs. These
13 are funds that are raised from, as Tom said, blatant
14 violators of their permits and other violations.
15 They're fined. They go into our Environmental
16 Enforcement Fund. Tom, do you want to respond?

17 MR. UVA: Yes. I just wanted to add to
18 that, Mr. Chairman. Before the Fund was created, any
19 funds that we got, any income from these violations went
20 into the State General Fund, and that's why the
21 Enforcement Fund was created so that the funds could be
22 used for these types of projects, and it's specifically
23 earmarked for community projects, as the Chairman said,

24 river restoration, environmental response, things like
25 that that may not be funded by our ratepayers.

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1 MS. GIEBINK: If I can add, starting on
2 Page 3 of the monthly financial report is the
3 Environmental Funds balance, and every month that is
4 listed in the monthly report.

5 CHAIRMAN MESOLELLA: I don't know if
6 everyone heard that. What Karen said is, on Page 3 of
7 the financial report is an accounting of the
8 Environmental Enforcement Fund and it balances.
9 Having said that, and I'll have my own comments
10 regarding this issue in the Chairman's Report, but to
11 move along with the agenda, we have a motion and a
12 second to approve Resolution 2010:10. All of those in
13 favor will say aye.

14 THE COMMISSION: Aye.

15 CHAIRMAN MESOLELLA: Are there any opposed?

16 THE COMMISSION: (No response)

17 CHAIRMAN MESOLELLA: There are none opposed,
18 and that motion carries.

19 (MOTION PASSED UNANIMOUSLY)

20 CHAIRMAN MESOLELLA: Further report,
21 Commissioner Andrade?

22 COMMISSIONER ANDRADE: No further report,
23 Mr. Chairman.
24 CHAIRMAN MESOLELLA: Thank you very much for
25 your report. Moving right along, the next Committee

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1 reporting would be Personnel. I do not believe there
2 was a Personnel meeting.

3 RAYMOND MARSHALL: Actually, there was a
4 Personnel meeting. We had one item, and it's not
5 anything that effects the budget and does not require
6 the Board's approval.

7 CHAIRMAN MESOLELLA: Rules and Regulations.
8 No report?

9 RAYMOND MARSHALL: No report.

10 CHAIRMAN MESOLELLA: No report. Next
11 committee, Long-Range Planning.

12 COMMISSIONER THOMPSON: No report, Mr.
13 Chairman.

14 CHAIRMAN MESOLELLA: No report. Next
15 committee, Citizens Advisory Group. Harold, do you have
16 a report for us today?

17 MR. GADON: Yes, I do, Mr. Chairman.

18 CHAIRMAN MESOLELLA: Then proceed.

19 MR. GADON: Thank you for recognizing Joe

20 Thibodeau, a long-serving member. The CAC meeting was
21 held on February 7th with two visiting students from
22 Rhode Island College. We did hear fine reports from Tom
23 Uva, Kerry Britt, Pretreatment Manager, John Mota,
24 Manager of Environmental Monitoring. All the reports
25 were well received.

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1 The CAC would like to congratulate the whole NBC
2 staff on the fine job that they did during the
3 unprecedented rainfall event.

4 We'd just like to make mention one of our members,
5 Marie Epberg, from Save the Bay. They're having a Green
6 Landscaping Workshop and Farmer's Market this Saturday
7 at the center from 9 to 12, free and open to the public.

8 Being a Cranston resident, I'd like to welcome Mario
9 Carlino. I think he'll take the opportunity to see how
10 well our treatment plant works. I think you've heard
11 how the Cranston plant has a partial shutdown.

12 Commissioner Worrell might be interested that Kurt
13 Spaulding spoke, and he does have his eyes on the
14 Worcester plant. He's now EPA Administrator, and as Tom
15 says, they've gone from 14 down to 5. That's making
16 tremendous improvements with the Worcester plant. Our
17 next meeting is scheduled for May 12th, and thank you.

18 CHAIRMAN MESOLELLA: Thank you very much,
19 Harold. Next Committee that would be reporting would be
20 the Executive Committee. The Executive Committee has
21 had no meeting. The Ad Hoc Committee on Compensation,
22 Commissioner Kimball is not here, and I don't believe
23 that there was a meeting.
24 The next Committee reporting would be the Ad Hoc
25 Internal Ethics Committee. Commissioner DiChiro, do you

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1 have a report?

2 COMMISSIONER DiCHIRO: Yes, Mr. Chairman, I
3 have a report. We did not have a meeting in the last
4 several months, but I received an e-mail from
5 Commissioner Gray, and I assume you want me to address
6 this e-mail here today?

7 COMMISSIONER GRAY III: You can do it here
8 today, or you can do it however --

9 COMMISSIONER DiCHIRO: Well, you saw fit to
10 address it to all of the other members of the Board and
11 Karen Musumeci, I believe, received this e-mail as well.
12 Commissioner Gray, you refer to the meeting we had in
13 August of last year; I'm not sure it was August or
14 September, but we did have a meeting of the Internal Ad
15 Hoc Ethics Committee, and at that meeting, a couple of

16 potential conflicts were raised; and I think those were
17 discussed in the Committee, and they were resolved.
18 I think the Committee's feeling was there were no
19 conflicts and no issues arising from that, but you seem
20 to persist on this issue with the Ethics Commission; and
21 you have an issue with the way certain members have
22 filled out their Ethics Disclosure Forms.

23 COMMISSIONER GRAY, III: That's correct.

24 COMMISSIONER DiCHIRO: I think it was my
25 position at that previous meeting and it was my position

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1 when I spoke to you about this in January and it's my
2 position today as Chairman of this Committee, and anyone
3 can correct me if I'm wrong, that individual members'
4 Ethics Disclosure Forms is not the purview of the Ad Hoc
5 Ethics Committee. It's the purview of the Ethics
6 Commission, the State of Rhode Island Ethics Commission.
7 Our Internal Ad Hoc Ethics Committee is not to police
8 members' filing with the State. It's to police internal
9 ethics within the Commission. So, I don't believe, if
10 you have a problem with any individual member, that's
11 for myself or the members of the Ethics Committee or for
12 the Board of Commissioners to address. So, again, I
13 don't think we have the jurisdiction to do that, and I

14 think it's irrelevant to the purview of our Committee.
15 The one question you did ask, which I can address, is
16 whether or not in filling out your Ethics Disclosure
17 Form you can state N/A, not applicable. I checked with
18 the Ethics Committee, the Ethics Board, and they said
19 that is perfectly acceptable. In fact, it's in the
20 introduction to the form when you fill it out. It says,
21 if something doesn't apply, state N/A. They would
22 rather have you not leave the question blank.
23 Certainly, you cannot change the question. If you
24 don't like the way the question is, you can't change the
25 question, but if it doesn't apply to you, you say, N/A,

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1 not applicable, or if you have nothing to report, you
2 can put None also, but N/A is correct. That's what you
3 asked.
4 And as far as your request for an opinion from
5 outside legal counsel, a written opinion, I think,
6 again, that's beyond the purview of this Committee. As
7 a member of this Committee, as a member of the Board, as
8 a taxpayer I object to that. We have several attorneys
9 in house.
10 If you want an opinion, I think you got an opinion.
11 You got an opinion from the Committee that your

12 questions were addressed and deemed to be not relevant.
13 They were deemed to be beyond the purview of this
14 Committee and beyond the purview of the Board of
15 Commissioners. So, I think your opinion was addressed.

16 So, I would object to your request for a written
17 legal opinion from outside legal counsel. I don't see
18 why we should hire an outside legal counsel and spend
19 additional funds with budgets being as tight as they are
20 when it's irrelevant, and I don't see why we should do
21 that.

22 If you choose to get outside legal counsel, that
23 would be your own responsibility. That's my opinion,
24 but it hasn't been put to a vote. If you want to put
25 that to a vote, you can feel free to do so; but I would

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1 say that it's improper to ask for a written opinion from
2 outside legal counsel from the Internal Ethics
3 Committee.

4 And lastly, I would point out, I got your e-mail, and
5 I saw all of the persons you submitted it to. You
6 copied pretty much everyone on the Board as well as
7 Karen Musumeci, but then you copied a Chris DiFilippo.
8 I don't know who Chris DiFilippo is, State of Rhode
9 Island.US.

10 COMMISSIONER GRAY, III: She works for the
11 Governor.

12 COMMISSIONER DiCHIRO: All right. Is the
13 Governor putting you up to this?

14 COMMISSIONER GRAY, III: No.

15 COMMISSIONER DiCHIRO: Then why would you
16 copy someone from the State of Rhode Island? Again, and
17 I have to say this, as a member of the Board, I've been
18 on here about ten years, this is probably the best run,
19 it is the best-run organization in the State, the best
20 quasi-public agency in the State of Rhode Island. This
21 agency does tremendous work, and they're award winning
22 for a reason. The staff works very hard. It's a great
23 agency, and instead of trying to build it up, it seems
24 like you're trying to tear it down. I don't know why,
25 and I don't know why you're doing this. I just don't

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1 know what your motive is.

2 But the question you asked? Again, it's irrelevant.

3 I think they were answered the last time, last August or
4 September. You and I had a discussion at the last

5 meeting; I think I answered them then, your concerns. I

6 don't know why you're doing this, and I don't know why

7 you would cc someone from the State of Rhode Island on

8 this, unless you're trying to call negative attention to
9 this Commission, which I think is unwarranted; and I
10 would like an explanation on that, why you cc'd someone
11 from the State of Rhode Island on this internal matter?

12 COMMISSIONER GRAY, III: Because, if this is
13 an internal matter, then we should be addressing it.
14 You just said it's not an internal matter.

15 COMMISSIONER DiCHIRO: We did address it.
16 We addressed it at that August meeting. We had a
17 meeting. We discussed it. We had a very frank and open
18 discussion, and I think we even put it to a vote, I
19 think, I believe. I don't remember what the minutes of
20 meeting recall, but I know we discussed it thoroughly.

21 COMMISSIONER GRAY, III: I would love to see
22 the minutes of the meeting. I don't think they've ever
23 been presented.

24 COMMISSIONER DiCHIRO: I would just ask you,
25 if we have minutes of the meeting from that last

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1 subcommittee?

2 MS. MUSUMECI: Draft minutes.

3 COMMISSIONER DiCHIRO: Draft minutes, okay.

4 Well, then, we may have to introduce those at the next

5 meeting and vote on them, and have them approve them.

6 COMMISSIONER GRAY, III: That might be good.

7 COMMISSIONER DiCHIRO: Yes. I would ask you
8 if I could get the minutes of the meeting circulated.

9 MS. MUSUMECI: They're also posted on the
10 Secretary of State's website.

11 COMMISSIONER DiCHIRO: Okay, all right.
12 Again, I don't know who, what your, I'd like to know
13 what your motives are. If it's in the name of ethics,
14 that's fine, I commend you for that, but I think you're
15 trying to throw jabs at people unnecessarily.

16 COMMISSIONER GRAY, III: I'm not trying to
17 throw jabs at anybody. We all have to file our ethics
18 forms with the State of Rhode Island, and the reason of
19 the law was, lies, so that if any of us has conflicts
20 that would affect our ability to perform our jobs,
21 they're disclosed.

22 So, N/A is a perfect, I assume it's a good response
23 for it is not applicable or not available, that's fine,
24 but when there is evidence, when do you have conflicts
25 or you do you have businesses and there's a law that

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1 says you have to disclose them, I would like them
2 disclosed. I don't think that anyone on this Board is
3 exempt from truthful filings with the Rhode Island

4 Ethics Committee. I would like to see that situation
5 fixed.

6 COMMISSIONER DiCHIRO: And that's your sole
7 motive?

8 COMMISSIONER GRAY, III: Yes. I don't know
9 what the, I don't know why anyone would bother to not
10 disclose business interests that they had that might be
11 relevant or as required by the law in the State of Rhode
12 Island. We on the Board, we make our best efforts to
13 fill them out correctly, and I would like to see
14 everyone who's here at the table do the same.

15 COMMISSIONER DiCHIRO: Mr. Chairman, I'll
16 accept that, I guess, and I guess I've answered your
17 questions, then?

18 COMMISSIONER GRAY, III: No, you haven't.

19 COMMISSIONER DiCHIRO: What have I not
20 answered?

21 COMMISSIONER GRAY, III: I would like to
22 have an outside written opinion on whether this is
23 correct or not. It's pretty straightforward.

24 COMMISSIONER DiCHIRO: Well, I guess you're
25 entitled to ask for a vote on that, but I don't think an

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1 outside written opinion is necessary. Every time one of

2 us has a concern, we're going to ask for an outside
3 legal opinion? That could cost many thousands of
4 dollars just because we had a concern. If you request
5 an outside written legal opinion, you can certainly go
6 to the Ethics Committee and ask them.

7 COMMISSIONER GRAY, III: Issues of ethics
8 must be resolved.

9 COMMISSIONER DiCHIRO: But it has been
10 resolved. We had a meeting. We had an open discussion.

11 COMMISSIONER GRAY, III: Why don't you
12 provide the minutes.

13 COMMISSIONER DiCHIRO: All right. I guess
14 we need to provide the minutes of the meeting.

15 COMMISSIONER GRAY, III: And then I would
16 like to ask everyone on the Board to please fill out the
17 State of Rhode Island Ethics statement correctly.

18 COMMISSIONER DiCHIRO: Yes, but again,
19 you're not the Ethics Czar, you're not the Chairman of
20 the Ethics Committee.

21 COMMISSIONER GRAY, III: I would like to
22 know if there are any conflicts, anyone who has
23 conflicts.

24 COMMISSIONER DiCHIRO: Are you all of a
25 sudden, like, I think I asked you this before. Are you

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1 Ken Starr? You're a prosecutor now? You're going after
2 people? These people volunteer their time.

3 COMMISSIONER GRAY, III: We have a fiduciary
4 responsibility --

5 COMMISSIONER DiCHIRO: Yes, we do.

6 COMMISSIONER GRAY, III: -- to uphold the
7 laws of the State of Rhode Island.

8 COMMISSIONER DiCHIRO: Yes, we do, and I
9 think it's done admirably by this Board.

10 COMMISSIONER GRAY, III: That's all I ask.

11 COMMISSIONER DiCHIRO: I think the Board
12 does it admirably. Again, I don't understand your
13 motives. If you're doing this because of some in the
14 state government wanting you to do this, to tear down
15 this Commission, it's wrong.

16 COMMISSIONER GRAY, III: No. I simply asked
17 for an opinion and direction. I would appreciate that
18 if I could get it from you. Thank you.

19 CHAIRMAN MESOLELLA: Let me recognize
20 Commissioner Milas, first. Commissioner Milas.

21 COMMISSIONER MILAS: Again, I apologize, I'm
22 one of the newest Commissioners, so this was new to me,
23 and I was taken back by the e-mail stream that went on
24 about this issue.

25 Although I am familiar with the Ethics Commission, I

1 am, too, a little confused as to not about the motive of
2 this, there is a mechanism in place, which is the Ethics
3 Commission. I didn't realize that it was the duty of
4 this Commission to micromanage the Ethics Commission.

5 COMMISSIONER GRAY, III: It initially came
6 up --

7 COMMISSIONER MILAS: Excuse me, let me,
8 please, finish. When we, I, and like everyone else
9 fills out the ethics form, if the Ethics Commission has
10 a problem with this, it's the duty of the Ethics
11 Commission to get that. It's not up to me to question
12 your form, your form, your form (indicating).

13 I am not here as a volunteer Commissioner going on a
14 witch hunt trying to unearth things that there isn't an
15 office and a commission responsible for doing that, and
16 until the legislation chooses to unfund the Ethics
17 Commission, that's their job. That's their job, and if
18 you have an issue with the Ethics Commission, your issue
19 is with them. It's not by sending me an inflammatory
20 e-mail. That's a personal problem that you have,
21 obviously, with the Ethics Commission.

22 What you're saying, what I got out of that e-mail is
23 you're not happy with the way the Ethics Commission is
24 dealing with what they're doing. To me, that's what I

25 read out of this. So, your complaint in my personal

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1 opinion is with the Ethics Commission and how they're
2 dealing with things. So, my personal feeling is that's
3 who your angst should be directed to, not towards all of
4 the Commissioners.

5 COMMISSIONER GRAY, III: It's not towards
6 all the Commissioners. We had a meeting, the issue came
7 up. There was no response on it. I would like to have
8 a response.

9 COMMISSIONER MILAS: Through the Chair, just
10 lastly, I did take it personal for me as a new
11 Commissioner because the implication was that the
12 Commissioners may not be filling in their forms
13 correctly. I am one of the Commissioners, so therefore,
14 I felt it was implied that I have the potential to not
15 be filling it out correctly.

16 I filled it out, and I sent it to the Ethics
17 Commission. So, in that regard, I did take it
18 personally that you were challenging me as a
19 Commissioner that perhaps I was not filling it out
20 correctly, and if that is the case, I would wait and
21 respect the wishes of the Ethics Commission to tell me
22 so.

23 CHAIRMAN MESOLELLA: Commissioner Rotella.
24 VICE CHAIRMAN ROTELLA: Yes, Commissioner
25 Milas, you many not be aware, I'm not sure when you

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1 joined the Commission, but Commissioner Gray let us all
2 know last year around this time that he personally
3 pulled every Commissioner's Ethics report to provide, to
4 do his own investigation on everyone. Again, I have no
5 reason why. He can answer for himself.

6 COMMISSIONER GRAY, III: If you want to do
7 this in this meeting, I'm happy to. The whole thing
8 started with, we had a vote here to give a contract to
9 an organization that was neither the low bid nor the
10 highest rated, and I was confused about that, and
11 without going into a lot of the details, one of the
12 questions was, did anyone here have a financial interest
13 in that company? And because it was company owned by a,
14 previously owned by one of the people here at the table
15 or was a partner there, I had a reasonable question. I
16 had no idea what the what the whole situation was, but
17 that's why I did it.

18 It's a public record. They're available to anybody,
19 and the purpose of them is to disclose any interest that
20 you might have in any companies that are doing business

21 with the Narragansett Bay Commission.
22 One of the things that was discussed in that was at
23 what point if you have been an owner of a company that's
24 doing business with the Narragansett Bay Commission and
25 you were in a position to direct contracts to that

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1 company, at what point, if you're no longer an owner, do
2 have you to stop disclosing that? And I think our
3 conclusion was, you have to disclose that continuously.

4 VICE CHAIRMAN ROTELLA: Whose conclusion was
5 that, by the way?

6 COMMISSIONER DiCHIRO: That conclusion was,
7 there was no ethical problem.

8 COMMISSIONER GRAY, III: I'll be very
9 specific. Beta Engineering was, Ray Marshall was a
10 former partner.

11 RAYMOND MARSHALL: Correct.

12 COMMISSIONER GRAY, III: And there was a
13 vote to give them a contract that was not low bid or
14 highest rated, and I felt that Ray Marshall should
15 disclose if he had been a prior owner; and from his
16 ethics statement, you could not tell whether he, he
17 simply wrote N/A for his ownership in the corporation.
18 I didn't know whether that was none or not available or

19 not applicable or should have been something else, so
20 that's why this whole thing started up.

21 RAYMOND MARSHALL: If I might have the
22 opportunity to address this situation again. The
23 contract, by the way, was awarded to Pare Engineering in
24 June of 2008. Beta Engineering was a subcontractor to
25 Pare, that's the first thing.

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1 Secondly, as I just noted, it was in 2008. My
2 association with Beta, again, I came here in June of
3 1992, and while it did take a year or two at which time
4 I totally recused myself and put on the record, and at
5 least one case which was at that point in time the
6 subject of a very large article in the Providence
7 Journal.

8 By 19, let's say January 1st of '95, my, I was
9 completely divested from that organization, and so I
10 reported during those times when I had an interest in
11 the company on my ethics forms even when I was here it
12 showed up on my ethics forms. I can't remember if those
13 were conflict of interest forms back then because at
14 some point there was a transition.

15 So, I reported everything as I should report it, just
16 as if you own a piece of property, you have to report it

17 on your ethics form. If you then subsequently sell that
18 piece of property 3 years later, 10 years later, 17
19 years later, you do not have to continue to say at one
20 time I owned that piece of property.

21 That is the information I have from the Ethics
22 Commission, and those are the guidelines I have
23 followed; and for every question that did not pertain to
24 me, I put N/A, and I have done so since about the
25 mid'80s, '84, '85, '86, somewhere in that range.

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1 And having contacted the Ethics Commission, I know
2 that that's an acceptable response for any question that
3 does not pertain to you, provided it's a truthful
4 answer.

5 So, that was the background behind all of that. I
6 have no financial connection to Beta Engineering, have
7 not since, let's just pick a number, the mid'80s, excuse
8 me, the mid'90s. And so, a continuing need to disclose,
9 from everything I understand from the Ethics Commission,
10 is not necessary no more than if I had owned a piece
11 property in 1995 and subsequently sold it.

12 And, so, this is the kind of issue that keeps coming
13 up, is being brought into the public arena, and is
14 being, what I think, tarnishing my reputation, and so, I

15 have to tell you, I do take offense.

16 COMMISSIONER GRAY, III: All right. We had
17 this discussion already, and I don't mean any personal
18 offense, but I would like to ask that, I have no problem
19 if your -- statement is correct. I'm perfectly okay
20 with that.

21 The whole situation came because there was a
22 confusion, and being a new member, I had no idea that
23 Ray, I was told by other people that, by Ray himself,
24 actually, that he was a former owner, and I asked for
25 the subcommittee meeting to clarify that; and I thought

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1 we had agreed that this issue with Beta Engineering,
2 you should recuse yourself in general, but that was
3 my -- there were no notes and no vote on that, that I
4 recall.

5 RAYMOND MARSHALL: I don't ever recall
6 agreeing to that. What I do recall is telling you that
7 I agreed to do that during the period I still had an
8 interest in them, which of course is long past now. I
9 think you wanted me to do it. I did not see any benefit
10 in doing it, and apparently, the Ethics Commission does
11 not see any benefit or require me to do it either.

12 COMMISSIONER DiCHIRO: So, is the issue

13 resolved in your mind now?

14 COMMISSIONER GRAY, III: As far as Ray is
15 concerned, yes. As far as the Beta Engineering thing
16 is, I guess, with due caution, there's no reason not
17 to have to. I was on a zoning board meeting the other
18 day, and a guy whose one the members of the zoning board
19 who had done work on my house 14 years ago recused
20 himself, so I don't think there's a big deal to, you
21 don't have very many of those that come up. A lot of us
22 are new Commissioners, and we may hear things from
23 people that bring up questions; so I don't think it's an
24 unreasonable request.

25 VICE CHAIRMAN ROTELLA: What's the request?

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1 I'm just curious. Where are we? Where do we stand?

2 That's what I think we're all trying to find out is

3 where we stand.

4 COMMISSIONER GRAY, III: I thought that the

5 reason we had an Ad Hoc Internal Ethics Committee is to

6 deal with those things internally. We have to file our

7 ethics form, and all I'm asking is for some direction

8 from you to look at the two issues of N/A that came up

9 here in our meeting.

10 COMMISSIONER DiCHIRO: We've answered that.

11 COMMISSIONER GRAY, III: I'm asking for an
12 outside opinion.

13 COMMISSIONER DiCHIRO: I just want to
14 clarify what you're saying.

15 COMMISSIONER GRAY, III: All right. If
16 you'd like me to be very specific, do you want me to be
17 very specific?

18 COMMISSIONER DiCHIRO: Yes.

19 COMMISSIONER GRAY, III: Mr. Chairman, I
20 have a problem with Mr. Chairman.

21 VICE CHAIRMAN ROTELLA: Wait a minute.
22 Before we go to Mr. Chairman, let's finish with Mr.
23 Marshall. Are we done with Mr. Marshall? Wait, wait,
24 wait, please. Just give me, this has been coming up
25 over and over and over again. I just want to put it to

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1 bed once and for all, if we could.

2 Have we all agreed that if you owned a company 15
3 years ago and you have no further interest in that
4 company today, then that is not relevant and probably is
5 not something that the Committee, the Commissioners
6 should be worried about? Do we all agree with that?

7 Again, I can't say if you're required to report it or
8 not because I'm not the Ethics Commission. I'm just

9 concerned about our level of concern in terms of, should
10 we recuse ourselves or what should we do as
11 Commissioners?
12 If someone has been involved with a company and has
13 been out of involvement for 10 or 15 years, whatever
14 period of time, and retains no ownership in that
15 company, actually, went through a revolving door type of
16 situation when you came on, right?

17 RAYMOND MARSHALL: Yes, I did.

18 VICE CHAIRMAN ROTELLA: And you had to go
19 through all sorts of different things, if you're not
20 reporting that today, that's really not a problem. Does
21 everybody agree with that? That's the first point.
22 Yes.

23 COMMISSIONER WORRELL: I would like to say
24 something. This is very touchy issue for everybody, no
25 matter what you may think about whatever the Ethics

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1 Commission form requires. It can be touchy. Why is it
2 touchy? Because it can get very personal. We just
3 witnessed that.
4 It seems to me, and I think Joan put it in the proper
5 perspective, this is not the job of the Narragansett Bay
6 Commission. This is why we have an Ethics Commission.

7 I think any matters that come up which have been raised
8 by Commissioner Gray, and I respect his right to raise
9 those questions and to pursue them; however, I really do
10 believe that the proper forum for that pursuit is not
11 this Commission, but is rather the Ethics Commission.

12 It seems to me further that the very existence of an
13 Ethics Subcommittee within Narragansett Bay is probably
14 not a wise idea because what that does is it says that
15 we are a forum for discussing the ethics of the
16 Commission members. We are not that forum, in my
17 opinion. That is why the State has established the
18 Ethics Commission. As long as that Ethics Commission
19 exists, it seems to me that's the forum where these
20 questions should be vetted and answered and put to bed
21 and not here.

22 CHAIRMAN MESOLELLA: Commissioner Carlino, I
23 was trying to get to you. Do you have a comment?

24 COMMISSIONER CARLINO: The Commissioner,
25 basically, has said what I was thinking of also. I

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1 think if someone thinks that someone is in violation,
2 you have every right to go to the Ethics Commission and
3 say, I believe this person is violating and get an
4 opinion from them; I've done it in the past, or you can

5 ask for yourself.

6 I don't think it's the responsibility, like the
7 Commissioner said, of us to determine that. We already
8 have an Ethics Commission. That's their job.

9 COMMISSIONER GRAY, III: And we have an Ad
10 Hoc Ethics Committee, and I asked the Chairman of the
11 Committee to give me an opinion on that, if you want to
12 go to state ethics, you're welcome to do that, but I'm
13 trying to follow what I would consider normal
14 subcommittee procedures.

15 COMMISSIONER DiCHIRO: Again, it's not
16 within our jurisdiction. It's the jurisdiction of the
17 Ethics Commission to do that, not mine or not the Board.

18 CHAIRMAN MESOLELLA: Right, and that's what
19 was concluded by the Committee. The Committee concluded
20 that the matter is properly before the Ethics
21 Commission. You just won't accept that. You don't
22 accept that. Listen, I want to get past this.

23 COMMISSIONER ANDRADE: If I could, just, if
24 we could get the minutes, I'm a member of that
25 committee, if you could get the minutes out to us before

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1 the next meeting because my recollection is that it was
2 decided pretty clearly that this was not something that

3 we should pursue that. If there was a problem, the
4 Ethics Committee should follow it, so I can't imagine
5 why it's being brought up again.

6 COMMISSIONER THOMPSON: It was resolved.

7 COMMISSIONER ANDRADE: Just to go on record,
8 I take personal offence of someone else, another
9 Commissioner, checking my filing because they're
10 suspicious. I file with the Ethics Commission. If they
11 have a problem, they should ask me any questions.

12 CHAIRMAN MESOLELLA: Commissioner Milas.

13 COMMISSIONER MILAS: Again, as a new
14 Commissioner, I don't know what the procedure is, but if
15 I have a question as a Commissioner that's relevant to
16 one of the committees, whether it's, you know,
17 procurement or ethics, is this customary to cc the
18 entire Commission, or do you direct the question to
19 whoever is the chairman of that committee?
20 You have to be, I mean, and Mr. DeAngelis can verify
21 it. E-mails are a very dangerous thing, and you don't
22 know where they're going. They're discoverable.
23 They're going to the Governor's office unbeknownst to
24 me. My name is now on there going to the Governor's
25 office, which no matter what, it makes it look negative;

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1 it doesn't look positive, and that's a dangerous thing.

2 So, if there's a question, I have nothing to hide,

3 but if there's a question, what is the policy of the

4 Commission? Is that what's customary, to direct

5 something to that Committee, or is it, is there a

6 policy?

7 CHAIRMAN MESOLELLA: Counsel.

8 MR. DeANGELIS: Thank you. I wish I had the

9 opportunity to speak up whenever I chose to, but

10 unfortunately, that's not my position. I couldn't agree

11 more with Commissioner Worrell.

12 The people of this State through their legislators

13 and through their vote on Constitutional amendments have

14 set up a commission to handle these issues, and in my

15 opinion, that agency has the exclusive jurisdiction to

16 handle these issues.

17 My recollection is that the Ad Hoc Ethics Committee

18 was set up at the request of Commissioner Gray because

19 he had raised some issues relating to the passage of a

20 Federal Act, Sarbanes Oxley, and there was some question

21 about whether or not there was any applicability of that

22 Act to the members of this Commission; and we did an

23 appropriate thing.

24 We set up an Ad Hoc Committee to study it. We had

25 presentations given to the members by the legal counsel,

1 but I think I'm on record as stating previously, the
2 continuance of and existence of this Ad Hoc Ethics
3 Committee is, I think, inappropriate and I think there's
4 no purpose for it within the jurisdiction of the Ethics
5 Commission.

6 If you take it to its logical extreme, if every state
7 agency, every quasi state agency has an ethics
8 committee, we'd have 55 ethics committees operating in
9 the State of Rhode Island, and that is not going to
10 result in a consistent interpretation of the laws.

11 So, as I said, I agree with Commissioner Worrell, and
12 I think this, the Board should one day take up the issue
13 of whether or not you want to continue the ad hoc nature
14 of this ethics committee. I hope I answered your
15 question.

16 COMMISSIONER MILAS: Yes.

17 CHAIRMAN MESOLELLA: Well, a couple of
18 things I would like to say before I make my own
19 comments. Pursuant to this e-mail, you're asking for a
20 formal reply for an outside counsel. I will ask you, do
21 you wish to place a motion before the Board?

22 COMMISSIONER GRAY, III: Yes. I'd like to
23 move that we ask for outside counsel.

24 VICE CHAIRMAN ROTELLA: Second.

25 CHAIRMAN MESOLELLA: We have a motion.

1 VICE CHAIRMAN ROTELLA: For purposes of
2 discussion.

3 CHAIRMAN MESOLELLA: Commissioner Gray has,
4 pursuant to his e-mail, asked for a formal reply, as I
5 understand this, for a memorandum from outside counsel
6 regarding the ethics issue.

7 COMMISSIONER DiCHIRO: Can we get a
8 clarification of that? I'm not sure exactly what --

9 CHAIRMAN MESOLELLA: Well, I don't know what
10 he means, but let me read to you, once again, I ask you
11 for the courtesy of a formal reply on this outstanding
12 issue. As a member of the NBC, I would like to have a
13 written ruling from outside legal counsel as to the
14 adequacy of the ethics disclosure made by, specifically,
15 Mr. Mesolella and Mr. Marshall.

16 I'm not going to make a decision on whether or not
17 this Board wants to bring in outside counsel, so I'm
18 asking Mr. Gray if he would like to put that motion to
19 the Board.

20 COMMISSIONER GRAY, III: Yes.

21 VICE CHAIRMAN ROTELLA: He said yes, and I
22 seconded it.

23 CHAIRMAN MESOLELLA: So, this Board is

24 confronted with the decision as to whether or not you
25 want to get an opinion from outside counsel, or

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1 basically, whether or not you want to leave this
2 question open to the Ethics Commission pursuant to a
3 request by Mr. Gray, if he chooses to, of the Ethics
4 Commission.

5 I want to address this so that the members have an
6 opportunity to put on the record their position with
7 regard to the hiring of an outside counsel. We've just
8 heard all this discussion about it's out of the purview
9 of this Commission. So, I think I need to, I need to as
10 Chair, have the members put this on the record as to
11 whether or not you feel that outside counsel is
12 necessary.

13 So, there's a motion made by Mr. Gray, it was
14 seconded by Mr. Rotella, I assume to offer all of the
15 members an opportunity to vote, that's the
16 clarification. That's the best I can clarify it. So,
17 in fact, I'm not even sure I can take this motion. I'm
18 going to recuse myself from this vote, and I'm going to
19 ask Vice Chairman --

20 (CHAIRMAN MESOLELLA RECUSING FROM VOTE)

21 VICE CHAIRMAN ROTELLA: Now, I've seconded

22 it. Where do I stand?

23 COMMISSIONER DiCHIRO: Well, I'll run the
24 motion, if you want. I'm the Chairman of that
25 committee. There's a motion made, and it's been

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1 seconded to ask for a written outside legal opinion. Do
2 you have a question?

3 VICE CHAIRMAN ROTELLA: I would like to
4 speak against the motion, when it's time to do that.

5 COMMISSIONER DiCHIRO: Okay. Any comments
6 in favor of the motion? Mr. Gray, do you feel we've
7 explained your position?

8 COMMISSIONER GRAY: Yes.

9 COMMISSIONER DiCHIRO: Any comments against
10 the motion? Commissioner Rotella.

11 VICE CHAIRMAN ROTELLA: I'd like to speak
12 against the motion. I seconded it for purposes of
13 discussion and vote. I think it's totally inappropriate
14 for a member of this Narragansett Bay Commission to use
15 the ratepayers dollars, or to attempt to use the
16 ratepayers dollars to promote an individual agenda.
17 I'm very upset about that. I'm not happy with the
18 fact that we have many counsel that we already employ.
19 We have heard from counsel. We've heard from the Ethics

20 Commission. We've heard our legal counsel and everyone
21 else who's been involved with this explain to us that
22 these purviews belong to the Ethics Commission and
23 should not come from this Board.

24 However, I mean, we've even heard from inside the
25 Board about how anything that has been shown to this

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1 point, at least in terms of the way questions were
2 answered, is acceptable at least to the Ethics Committee
3 based upon what they've told us.

4 So, I think at this point to spend Commission dollars
5 on this is a poor expenditure of the ratepayers' funds.
6 I think if any Commissioner wants to engage counsel, he
7 or she has the opportunity to do that at his or her own
8 expense, and I would certainly vote against this and
9 would certainly recommend, or again, recommend that any
10 other Commissioner also vote against it.

11 COMMISSIONER DiCHIRO: Thank you. Any other
12 comments for or against this?

13 CHAIRMAN MESOLELLA: I'm not going to speak
14 to this motion, but as Chair, I don't want the members
15 to get the wrong impression about the discussion here.
16 I just went around the room and counted the number of
17 members seated for purposes of a vote. I'm counting,

18 even though I'm recused, 11. The legal number of votes
19 of members sitting required for a vote is 12.

20 MR. DeANGELIS: Under the statute.

21 COMMISSIONER DiCHIRO: So, the vote cannot
22 be taken?

23 CHAIRMAN MESOLELLA: Well, I'm just
24 wondering. I don't know if they're temporarily
25 indisposed or Commissioner Montanari is gone. What

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1 about Commissioner Burroughs?

2 COMMISSIONER SALVADORE: Do you want me to
3 go see in he's in the hallway or the men's room?

4 CHAIRMAN MESOLELLA: If he hasn't been
5 present for the debate, well, I just wanted to raise
6 that issue so it's not overlooked, and at this point, I
7 think that, perhaps, it's best that I --

8 COMMISSIONER WORRELL: We have a
9 parliamentarian here. I raise another issue. Do we
10 have enough votes here to accept a motion to adjourn the
11 meeting? Because I think without a quorum, we can't
12 very well vote on --

13 CHAIRMAN MESOLELLA: That's all right.
14 We'll recess. There's always an answer. Don't forget,
15 we have a former speaker here.

16 COMMISSIONER DiCHIRO: I don't see any
17 Commissioners, except Commissioner Salvadore. Mr.
18 Chairman, if we don't have the proper number of votes, I
19 don't think we can proceed with the vote. No, you
20 can't.

21 COMMISSIONER WORRELL: Well, can we have a
22 ruling from our attorney?

23 CHAIRMAN MESOLELLA: Sure, you can ask for
24 it.

25 COMMISSIONER WORRELL: Well, I would request

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1 that our attorney rule on whether or not we can vote on
2 this issue.

3 MR. DeANGELIS: We have a statutory quorum
4 of 12. That was based upon the Narragansett Bay
5 Commission having 23 members. So, the statutory quorum
6 of 12 was just one more than the simple majority. There
7 have been no further legislative enactments since the
8 passage of the Separation of Powers, Constitutional Act
9 which removed 4 members.

10 So, I am of the opinion, and I have no authority to
11 base it upon, that notwithstanding the fact that the
12 statute says that the quorum is 12, when our membership
13 goes from 23 to 19, then our quorum should be 10. Now,

14 unfortunately, we can't get the legislature to agree
15 with that, so, I have no authority to cite, but it would
16 be my opinion that the Constitution that was changed by
17 the voters of this State relating to Separation of
18 Powers takes precedent over what's in the enabling
19 legislation.

20 So, I have, and I have ruled once previously when
21 Angelo was sitting as Chair that I believe the quorum is
22 the simple majority of the 19 members that presently
23 constitute, which is 10.

24 COMMISSIONER DiCHIRO: Why don't I suggest
25 that we take the vote anyway, just to get the spirit of

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1 the Board, and if it's improper, we could redo it at the
2 next meeting when we have a quorum.

3 MR. DeANGELIS: However, I would say that
4 out of an abundance of caution, if we're voting on bond
5 issues or significant things, Bond counsel's going to
6 say, you better have 12 voting on it.

7 COMMISSIONER DiCHIRO: So, any other
8 discussion on the motion?

9 THE COMMISSION: (No response)

10 COMMISSIONER DiCHIRO: No further
11 discussion. It's up for a vote. All in favor of the

12 motion presented by Commissioner Gray signify by saying
13 aye.

14 COMMISSIONER GRAY, III: Aye.

15 COMMISSIONER DiCHIRO: Note one in favor.

16 All those against signify by saying nay.

17 THE COMMISSION: Nay.

18 COMMISSIONER DiCHIRO: The motion is
19 unanimously defeated.

20 (MOTION FAILS/RECUSAL CHAIRMAN MESOLELLA)

21 VICE CHAIRMAN ROTELLA: Well, not unanimous.

22 COMMISSIONER DiCHIRO: Well, not unanimous,
23 you're right. One, he voted in favor of it. It's
24 overwhelmingly defeated.

25 COMMISSIONER SALVADORE: Mr. Chairman, would

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1 it be appropriate to make a motion to abolish the --

2 CHAIRMAN MESOLELLA: A motion is always in
3 order. I would ask that Chairman DiChiro, if he wants
4 to take up that issue of the previous minutes at the
5 next meeting.

6 COMMISSIONER DiCHIRO: Sure. At the next
7 meeting, I'll take a look at it, and see if, perhaps,
8 maybe we should abolish the Ethics Committee.

9 CHAIRMAN MESOLELLA: And then at the next

10 meeting, perhaps, after that discussion a motion would
11 be more appropriate at that time, that's my opinion, but
12 a motion is always in order, parliamentary. Before I
13 move on, I really should --

14 COMMISSIONER DiCHIRO: That concludes the
15 report, I guess, for now. You have no further
16 questions?

17 THE COMMISSION: (No response)

18 COMMISSIONER DiCHIRO: No further questions,
19 I guess that concludes the report of the Committee.

20 CHAIRMAN MESOLELLA: Well, okay, then I have
21 my own comments that I would just like to pursue this,
22 just with the Board's indulgence, for just a moment.

23 I don't know what meeting occurred that I was
24 involved in that evolved into a shouting match tantrum
25 and personal attack. I have been the Chairman here for

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1 16 years. I have never, ever raised my voice to a
2 Commissioner. I've never imposed my will on a
3 Commissioner. I've never shouted.

4 I read this, and there are other members of the
5 Commission that were present at that meeting. This
6 characterization of my actions, my demeanor at that
7 meeting is a complete fabrication and misrepresentation

8 to which I am personally offended.

9 Now, Chairman DiChiro, you were, I think you were, at
10 least the meeting that I was at, is that an accurate
11 description of my personal demeanor?

12 COMMISSIONER DiCHIRO: No, I don't believe
13 so. I believe it was a spirited discussion. It did get
14 a little loud at times, but I don't think it was
15 personal attack on Commissioner Gray or anyone. It was
16 an open and frank discussion of the issue.

17 CHAIRMAN MESOLELLA: I'm personally offended
18 at that characterization of my actions. And the other
19 thing, I just really want to get clear because it's
20 something I just learned today about this
21 Cdifilippo@gov.stateri. Who is that person? I've never
22 seen that name.

23 COMMISSIONER SALVADORE: Who? What was
24 that, again?

25 CHAIRMAN MESOLELLA: Cdifilippo@gov.

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1 COMMISSIONER SALVADORE: C. DiFilippo is in
2 the Governor's office.

3 CHAIRMAN MESOLELLA: I'd like to know. Who
4 is that person? I've never seen that name copied in on
5 any e-mail. I'd like to know who that is and what their

6 relationship to this matter is? I really now feel that
7 this is a political issue. Would you please explain to
8 me who this person is?

9 COMMISSIONER GRAY, III: She works for the
10 Governor's office.

11 COMMISSIONER SALVADORE: She works for Debra
12 Smith.

13 CHAIRMAN MESOLELLA: In what capacity?

14 COMMISSIONER GRAY, III: I felt I'm the
15 Governor's appointee, and so on this issue, which is an
16 issue of ethics, I felt it necessary to inform the
17 Governor's office that this was going forward, and I
18 asked them for a clarification --

19 COMMISSIONER SALVADORE: Constituent --

20 CHAIRMAN MESOLELLA: Wait a minute. You
21 asked a secretary, basically, you copied a secretary on
22 a matter of ethics. Did you copy the Ethics Commission
23 on this, by the way?

24 COMMISSIONER GRAY, III: I have had
25 discussions with the Ethics Commission. Yes.

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1 CHAIRMAN MESOLELLA: Have you copied, I
2 think it was a pretty clear question, have you copied
3 the Ethics Commission? I notice that they're not copied

4 on this letter, so you sent a blind e-mail to the Ethics
5 Commission, but you didn't, but you put, you notified
6 the Governor's office.

7 So, I guess my question to you, Mr. Gray, is, it's
8 become apparent to me because, obviously, I'm the object
9 of this, and you know you have your remedy if you feel
10 that there's any violations, but it's become apparent to
11 me that your actions have become very transparent, that
12 it is political in nature, has nothing to do with the
13 procedure as established by General Law and the Ethics
14 Commission, which everyone here files.

15 If it's not to your satisfaction, I suggest you go to
16 the General Assembly and change the General Laws, but
17 your actions, as far as I'm concerned, have become very
18 transparent.

19 This is a political attack and assassination or it's
20 attempting to be a political assassination on Mr.
21 Marshall and myself.

22 COMMISSIONER GRAY, III: That's completely
23 incorrect.

24 CHAIRMAN MESOLELLA: Well, your actions
25 belie your words. That's all I have.

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1 COMMISSIONER GRAY, III: Mr. Chairman, I

2 would like to ask if your actions, then, you're about to
3 file your, you've known about this for a long time,
4 you're about to file your ethics form in the State of
5 Rhode Island, I would appreciate it if you were complete
6 and accurate on that filing.

7 CHAIRMAN MESOLELLA: I don't owe you any
8 explanation, Commissioner. I will file my report in
9 accordance with the regulations established by the Rhode
10 Island Ethics Commission and the Rhode Island General
11 Law as everyone else on this Commission I trust will do,
12 including you.

13 COMMISSIONER GRAY, III: I understand that.

14 CHAIRMAN MESOLELLA: Further discussion on
15 this matter?

16 THE COMMISSION: (No response)

17 CHAIRMAN MESOLELLA: Further discussion on
18 this matter?

19 THE COMMISSION: (No response)

20 CHAIRMAN MESOLELLA: Hearing none, moving
21 right along. We've been later at this meeting than has
22 been my tradition to try to go, Joanne -- does anyone
23 mind that we forego the Legislative Report for this
24 meeting? Just tell me, when are they recessing? Are
25 they recessing?

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1 MS. MACERONI: They'll be on spring break
2 next week. So, everyone has a copy of my report. It's
3 three pages. If they have any questions, please feel
4 free to give me a call, and we can discuss this at next
5 month's meeting.

6 CHAIRMAN MESOLELLA: Thank you. Moving
7 right along to the Chairman's Report. I don't have much
8 to report today. I just would like to express my
9 displeasure with Resource Recovery's actions, this past
10 week we received a letter as Tom Uva and the director
11 have suggested that those courtesies previously afforded
12 to us in the past with regard to our voluntary effort to
13 clean our rivers and tributaries is now come to be very
14 costly.

15 I can't tell you how disappointed I am in those
16 actions, and it certainly doesn't ring in the spirit of
17 corporation with cleaning Rhode Island.

18 I would like to say that I continue to be involved
19 with Jamie Samons and Joe Pratt with regard to our
20 relationship with the people in the Olneyville community
21 as we begin to continue on with Phase II to make sure
22 that we keep our lines of communication open between the
23 business community and the residents there. As you
24 probably all realize, there's going to be some
25 disruption of those communities. I'm making a personal

1 appeal, personal visits and I intend to continue doing

2 that.

3 I am very anxiously waiting. Hopefully, next month's

4 meeting will have some actions to kick off our wind and

5 biogas projects, very green, very progressive projects.

6 Hopefully, I'll have something before the Board by way

7 of a motion next month.

8 Just one last comment is that you've heard the

9 Executive Director mention in his report that he has

10 been invited to the General Assembly Oversight

11 Committee. I don't know that the word invited is quite

12 the word that should have been used in this process but

13 in any event, I know he's appearing today this afternoon

14 in a short while. We have a very informative

15 presentation for them. I am absolutely sure that any

16 questions that they have we're going to be able to

17 answer them quite extensively.

18 So, having said that, I know time's moving on, the

19 Chairman has no further report. Next order of business

20 is New Business. Is there any new business to come

21 before the Board? Any new business?

22 THE COMMISSION: (No response)

23 CHAIRMAN MESOLELLA: Other business of any

24 kind?

25 THE COMMISSION: (No response)

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1 CHAIRMAN MESOLELLA: Nothing?

2 VICE CHAIRMAN ROTELLA: Motion to adjourn.

3 COMMISSIONER SALVADORE: Second.

4 COMMISSIONER THOMPSON: Second.

5 CHAIRMAN MESOLELLA: Commissioner Rotella

6 moves that we adjourn, seconded by Commissioner

7 Salvadore and Commissioner Thompson. Do we have a

8 quorum? Anyone going to challenge a quorum on

9 adjournment?

10 COMMISSIONER WORRELL: Absolutely not.

11 CHAIRMAN MESOLELLA: All in favor of

12 adjournment will say aye.

13 THE COMMISSION: Aye.

14 CHAIRMAN MESOLELLA: Any opposed?

15 THE COMMISSION: (No response)

16 CHAIRMAN MESOLELLA: None opposed, motion

17 carries. Thank you.

18 (MOTION PASSED UNANIMOUSLY)

19 (MONTHLY BOARD MEETING ADJOURNED AT 12:45 P.M.)

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1 C E R T I F I C A T E

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4 I, Heather Marie Finger, do hereby certify
5 that the foregoing is a true, accurate, and complete
6 transcript of my notes taken at the above-entitled
7 hearing.

8 IN WITNESS WHEREOF, I hereunto set my hand
9 this 26th day of April 2010.

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HEATHER MARIE FINGER, CSR, NOTARY PUBLIC
MY COMMISSION EXPIRES 4/02/12

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23 DATE: April 14, 2010

24 IN RE: Monthly Board Meeting of the Commission

25 HEARING OF: Narragansett Bay Commission

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